IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 3907 of 2007

Smt.Rajani Raghunath Chavan ..Petitioner

vs.

The Municipal Corporation of
Greater Mumbai ..Respondent

Shri Deepak A.Patil for petitioner.
Ms.Nisha A.Dabhade for respondent.

CORAM: S.C.DHARMADHIKARI J.
11th **July, 2007**

P.C.

1. Such type of petition would not have normally been entertained by this Court but considering the peculiar facts of this case and the averments made in para 8 of the petition so also the petitioner being diligent in prosecuting all interlocutory proceedings, in the peculiar facts of this case, the order dismissing the suit for default of the appearance of the petitioner and her Advocate, dated 25th August, 2006 stands quashed and set aside. Suit No.6721 of 2000 is restored to the file of the City Civil Court, Mumbai for being disposed of on merits and in accordance with law subject to the petitioner paying the costs quantified at Rs.1000/- to the respondent Corporation.

2. Needless to state that restoration of the suit would restore all the interlocutory proceedings to file, if they are not already disposed of. Petition is disposed of accordingly.

3. Learned Counsel appearing for B.M.C. undertakes to file her vakalatnama within two weeks from today.

(S.C.DHARMADHIKARI J.)